

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

- ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations gross income from unemployment compensation benefits is considered in determining eligibility. W.A.M. § 4001.81(b). The petitioner is not employed and he has no legal dependents living with him. Therefore, there are no deductions from his income allowed in the regulations. Id. §§ 4001.81(d-f). This brings his countable income to more than \$1,200.00 a month.

Under the current regulations (see W.A.M. § 4001.84) the maximum allowable income for one person is \$1,030.00 a month. Procedures Manual § 2420. Unlike the Medicaid program, there is no provision in VHAP for a determination of "applied income" or a "spenddown", by which the incurring of a predetermined amount of excess medical expenses within a six-month period can trigger eligibility at that point. Being only slightly overincome, and facing inordinately high medical expenses, the petitioner is harshly affected by the lack of such a provision. At present, however, for individuals in the petitioner's circumstances there is nothing in the VHAP regulations allowing for the consideration of anticipated medical expenses (or any other expenses) as a deduction from gross unearned income.

Inasmuch as the Department's determination in this case is in accord with the regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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